IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION

CIVIL ACTION NO. 5:02-CR-00041-RLV-DCK

UNITED STATES OF AMERICA,)
Plaintiff,)))
v.	ORDER
JOSHUA ALAN HUFFMAN,)
Defendant.)))

THIS MATTER IS BEFORE THE COURT on the United States' Motion for Dismissal of the Order of Continuing Garnishment (the "Motion"). [Doc. No. 30]. On August 18, 2003, the undersigned sentenced Defendant to 117 months of incarceration for his conviction in violation of 18 U.S.C § 2113(a) and 924(c). Judgment in the criminal case was entered on August 18, 2003. [Doc. No. 15]. As part of that Judgment, Defendant was ordered to pay an assessment of \$200.00 and restitution of \$16,920.00 to the victims of his crime. Id.

On June 24, 2015, upon application by the United States, the Court entered a Writ of Continuing Garnishment (the "Writ") to Garnishee, Honda Cars Of Hickory (the "Garnishee"). [Doc. No. 25]. On August 18, 2015, upon its answer to the Writ, the Court entered an Order of Garnishment directed toward the Garnishee, wherein the Garnishee was ordered to pay the United States up to twenty-five percent of Defendant's net earnings which remain after all deductions required by law have been withheld and one hundred percent of all 1099 payments available to him. [Doc. No. 29]. At the time the Order of Garnishment was entered, the Defendant owed an outstanding restitution balance of \$14,501.46, computed through August 12, 2015. <u>Id.</u> at p. 2.

On November 30, 2015, the United States informed this Court that the Defendant's employment with the Garnishee was terminated on or about October 29, 2015. [Doc. No. 31]. The United States also informed this Court that the Defendant owes a remaining \$10,345.23 on his restitution balance, calculated as of November 30, 2015. <u>Id.</u> Because the Defendant's employment with the Garnishee has terminated, the United States has moved this Court to dismiss the August 18, 2015 Order of Garnishment, thereby relieving the Garnishee of its obligations under the Order. [Doc. No. 30].

Having considered the United States' Motion and all other relevant matters of record, and having found good cause shown,

IT IS, THEREFORE, ORDERED THAT

- (1) The United States' Motion (Doc. No. 30) is hereby **GRANTED**;
- (2) The Order of Garnishment (Doc. No. 29) is hereby **DISMISSED**;
- (3) The United States is ordered to inform this Court promptly once it learns that Defendant has secured other employment;
- (4) The Defendant's current restitution balance of \$10,345.23 is still valid and collectible; and
- (5) The United States may apply for a subsequent writ of continuing garnishment with this Court once Defendant has secured other employment so as to collect the Defendant's remaining restitution balance.

Signed: December 8, 2015

ERED.

Richard L. Voorhees United States District Judge